

Criminal Fine Revenue and Surcharge Distribution

All fines, court costs, surcharges, penalties, and fees related to a criminal conviction are deposited in the State General Fund, unless otherwise specified in statute. In criminal cases, filing fees and court costs are assessed once the case is decided; however, these fees may be waived [Iowa Code §602.8106(1)(a)]. At the time of imposing sentence, the Judge informs the offender of the amount of the fine and that the judgment includes the imposition of a criminal penalty surcharge, court costs, and applicable fees. If the defendant receives a deferred judgment, a civil penalty is assessed in an amount equal to the minimum amount of the criminal fine.

Cities and Counties

Violations of municipal and county ordinances are civil infractions (Iowa Code § 331.302(4A)(a)(2) and §380.10(2)). However, cities and counties can establish ordinances that provide criminal penalties for violations not to exceed 30 days in jail or a fine of \$625 [Iowa Code §331.302(2) and §364.3(2)]. If the State has already set a fine amount in statute, the city or county cannot exceed the State fine amount (Iowa Code §321.236 and §364.3(3)).

Cities and counties cannot impose an infraction if the violation is a serious or aggravated misdemeanor; a felony under State law; or if it is a simple misdemeanor under Iowa Code Chapters 687 through 747 per [Iowa Code §331.307(3) and §364.22(3)].

Fines and forfeitures collected as a result of county infractions are remitted to the county. Revenue for county ordinance violations is credited to the county treasurer. However, revenue for violations of roadway weight and speed ordinances are remitted to the Clerk of Court for deposit in the Road Use Tax Fund (Iowa Code §602.8108(8)) and the State General Fund (Iowa Code §602.8106(3)), respectively. Revenue from fines and forfeited bail generated by county ordinances that provide a penalty for the violation also penalized under State law, is forwarded to the State Court Administrator for deposit in the State General Fund. Counties may not adopt criminal violations of the motor vehicle code (Iowa Code Chapter 321) as county civil infractions, except as specified in Iowa Code § 321.236. Counties are granted a \$5 surcharge for convictions on simple misdemeanor scheduled violations issued by county sheriffs.

All penalties or forfeitures collected by the Judicial Branch for municipal infractions are remitted to the city in the same manner as fines and forfeitures for criminal violations under Iowa Code §602.8106(2) and §364.22(6). The Clerks of Court remit 90.0% of all fines and forfeited bail to the city that was the plaintiff in any action, and the remaining 10.0% is remitted to the State Court Administrator for deposit in the State General Fund.

Parking fines collected by a city or a county are retained by the city or county [Iowa Code §321.236(1)(a)].

Court Costs

During the 2006 Legislative Session, HF 2789 (Judicial Branch Fees and Costs Act) increased the fees charged for filing and docketing a criminal case from \$30 to \$100. In addition, the fines charged for simple, serious, and aggravated misdemeanor offenses and Operating While Intoxicated (OWI) offenses were increased by approximately 25.0%. During the 2009 Legislative Session, SF 478 (FY 2010 Standing Appropriations Act) increased the court costs/filing fees for a scheduled violation from \$50 to \$60.

When legislation is proposed to increase a fine, fee, penalty, or surcharge, a three- to six-month lag is assumed from the time the legislation is enacted to the time the first dollar is collected. In addition, a collection rate is applied. As fine amounts increase, collection rates decrease.

Surcharges

When the court imposes a fine or forfeiture for a violation of State law or a city or county ordinance, except a parking ordinance, the Clerk of Court imposes an additional penalty in the form of a criminal penalty surcharge equal to 35.0% of the fine or forfeiture imposed by the Court. This surcharge does not apply to civil penalties.

Of the 35.0% Criminal Penalty Surcharge revenue, 95.0% is remitted to the State and the remaining 5.0% is remitted to the county treasurer of the county or the city clerk of the city that was the plaintiff in the action. Of the amount remitted to the State, 17.0% is deposited in the Victim Compensation Fund and 83.0% is deposited in the State General Fund.

More Information

Judicial Branch: <http://www.iowacourts.gov>

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When the city issues a ticket for violation of a local ordinance, the city receives 5.0% of the Criminal Penalty Surcharge. However, if the city has not adopted a local ordinance and issues a ticket per State statute, the city does not receive 5.0% of the Surcharge and the State receives 100.0% of the fine and surcharge revenue. If the county or a State Trooper issues a ticket for a violation of State statute, the county where the ticket was issued receives the 5.0% Criminal Penalty Surcharge and the State receives 100.0% of the fine revenue.

For example, if the city establishes a local ordinance for speeding and the fine amount is \$10.00 with a \$3.50 surcharge and \$60.00 in court costs, the total ticket amount will equal \$73.50. The State General Fund would receive \$1.00 from the fine, \$2.76 from the surcharge, and \$60 in court costs for a total of \$63.76. The Victim Compensation Fund would receive \$0.56 from the surcharge. The city would receive \$9.00 of the fine and \$0.18 of the surcharge for a total of \$9.18.

In addition to any other surcharge, the following three surcharges may be applied:

- **Drug Abuse Resistance Education (DARE) Surcharge** – If the violation arises from an offense in Iowa Code Chapter 321J or Chapter 124, Division V, a surcharge of \$10.00 is applied for each offense, unless the court defers the judgment or suspends the sentence. The money is deposited in the State General Fund and appropriated to the Governor's Office of Drug Control Policy for use by the DARE Program and other programs as directed for a similar purpose.
- **Law Enforcement Initiative Surcharge** – If an adjudication of guilt or a deferred judgment has been entered for a criminal violation of Iowa Code Chapters 124, 155A, 453B, 713, 714, 715A, or 716 or for a violation of Iowa Code §719.8, §725.1, §725.2, or §725.3, a surcharge of \$125.00 for each offense is imposed. The money is deposited in the State General Fund.
- **County Enforcement Surcharge** – A \$5.00 surcharge is applied for each violation written by a County Sheriff, if the county has adopted a resolution pursuant to Iowa Code §331.301(16). The revenue is deposited in the County General Fund of the county where the citation was written.

Priority Order of Payment

Per statute [Iowa Code §602.8107(2)(a-d)], restitution and all other fines, penalties, fees, court costs, and surcharges are paid to the Clerk of District Court.

The payments are applied in the following priority order:

- Pecuniary damages and restitution.
- Fines or penalties, the 35.0% criminal penalty surcharge, and any other applicable surcharge.
- Reimbursement to the Crime Victim Compensation Program.
- Court costs, county sheriff administrative costs and room and board, administrative costs and room and board to the Department of Corrections, and court-appointed attorney fees or public defender expenses, and any other court orders.

Judicial Revenue

General Fund receipts include a category titled "other miscellaneous receipts." In FY 2009, other receipts comprised approximately 5.7% of total General Fund revenue. Of this amount, Judicial Branch revenue was approximately 25.2% of the total miscellaneous receipts deposited in the General Fund.

In FY 2009, \$131.0 million of judicial receipts were received by the State. This is an increase of 2.2% compared to FY 2008. Fees to cities and counties totaled \$12.1 million. This is no change compared to FY 2008. All money processed by the Judicial Branch for FY 2009 totaled \$419.1 million. This is no change compared to FY 2008. This includes the Department of Human Services disbursement collections, child support, jury and witness fees, and miscellaneous trusts and bonds.

Distribution of Fine and Surcharge Revenue

